

12-29-03

CPA/376

DEC 24 2003

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL (Large Entity)**

Submit an original, and a duplicate for fee processing.

Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

Docket No.

☐ **DUPLICATE** (Check box if applicable)

First Named Inventor

Examiner

Group/Art Unit

SMITH

Aaron J. LEWIS

3761

Address to:
Mail Stop CPA
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing a ☐ continuation, or ☒ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/978,131 filed on October 16, 2001 and entitled:

METHOD AND APPARATUS FOR TREATING BREATHING GASES

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
- a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent is enclosed.

5. ☐ An Information Disclosure Statement (IDS) is enclosed:

- a. ☐ PTO-1449

- b. ☐ Copies of IDS Citations

6. ☒ The fee for this application is calculated as follows:

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	7	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	0	- 3 =	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
01/02/2004 CNGUYEN 00000028 09978131					BASIC FEE \$770.00
01/06/2004 770.00 OP					TOTAL FILING FEE \$770.00

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)
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7. ☐ The Director is hereby authorized to credit overpayments or charge the following fees to Deposit Account No.

- ☐ fees required under 37 C.F.R. 1.16.
- ☐ fees required under 37 C.F.R. 1.17.
- ☐ fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of \$770.00 is enclosed.

9. ☒ Also enclosed:
copy of petition for extension of time and fee filed in prior application

10. ☐ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

NOTES

Submit an original, and a duplicate for fee processing.

FILING QUALIFICATIONS: The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated:

Dec 4 2003


Signature

ROBERT M. SKOLNIK

Typed or printed name

24,688

Registration Number (if applicable)

- ☐ Inventor(s)
☐ Assignee of complete interest
☒ Attorney or agent of record

cc:

353 Monmouth Road
P.O. Box 22
West Long Branch, N.J. 07764
(732) 222-1027

CERTIFICATE OF MAILING

I certify that all of these documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Dec 24 2002.

ROBERT M. SKOLNIK



EU 448 506 980 45

Express Mail Label No.

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **Smith, et. al.**

Docket No.

Serial No.

09/978,131

Filing Date

October 16, 2001

Examiner

Aaron J. LEWIS

Group Art Unit

3761

Invention:

METHOD AND APPARATUS FOR TREATING BREATHING GASES

I hereby certify that this **Request for CPA, preliminary amendment, petition for extension of time**
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on **December 24, 2003**

(Date)

ROBERT M. SKOLNIK

(Typed or Printed Name of Person Mailing Correspondence)


(Signature of Person Mailing Correspondence)**EU448506980US**

("Express Mail" Mailing Label Number)

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